



Sen. James F. Clayborne, Jr.

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LRB097 18868 HLH 68039 a

1 AMENDMENT TO SENATE BILL 3212

2 AMENDMENT NO. _____. Amend Senate Bill 3212 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Income Tax Act is amended by
5 adding Section 223 as follows:

6 (35 ILCS 5/223 new)

7 Sec. 223. Brownfield remediation tax credit.

8 (a) For taxable years beginning on or after January 1,
9 2012, qualified taxpayers that undertake one or more eligible
10 projects during the taxable year may apply with the Department
11 to obtain a tax credit against the tax imposed under
12 subsections (a) and (b) of Section 201 of this Act. The credit
13 may not exceed 100% of the eligible project costs incurred by
14 the taxpayer during the taxable year. The taxpayer shall be
15 eligible to claim 75% of the amount of the credit awarded
16 beginning in the taxable year in which the application is

1 approved. The taxpayer may claim the remaining 25% of the
2 credits awarded upon receipt of a "No Further Remediation"
3 determination from the Illinois Environmental Protection
4 Agency. The Department shall distribute the tax credits
5 equitably throughout all geographic regions of the State. The
6 taxpayer may sell, transfer, or assign credits awarded under
7 this Section. The Department may, in its discretion, withhold
8 the remaining 25% of the credits pending creation of the
9 proposed jobs.

10 (b) The tax credit may not reduce the taxpayer's liability
11 to less than zero. If the amount of the tax credit exceeds the
12 tax liability for the year, the excess may be carried forward
13 and applied to the tax liability of the 5 taxable years
14 following the excess credit year. The credit must be applied to
15 the earliest year for which there is a tax liability. If there
16 are credits from more than one tax year that are available to
17 offset a liability, then the earlier credit must be applied
18 first.

19 (c) The Department shall not approve applications for
20 credits under this Act which, in the aggregate for each fiscal
21 year, exceed \$50,000,000. However, if, in any fiscal year, the
22 total aggregate amount of the credits awarded does not exceed
23 \$50,000,000, then the \$50,000,000 limitation for the next
24 fiscal year shall be increased by the difference between
25 \$50,000,000 and the total amount of aggregate credits awarded
26 in that previous fiscal year.

1 (d) Tax credits awarded under this Section are limited to
2 the lesser of the least amount necessary for the project to
3 occur or the positive net State economic impact. Consideration
4 shall be given for a project's potential for enhancing the
5 redevelopment of nearby blighted property.

6 (e) For the purposes of this Section:

7 "Department" means the Department of Commerce and
8 Economic Opportunity;

9 "Eligible project" means the remodeling,
10 rehabilitation, modernization, or remediation of abandoned
11 or underutilized property located in the State that is
12 contaminated with hazardous substances, petroleum
13 products, or lead-based paint, or a combination of those
14 factors, at the time the property is purchased by the
15 taxpayer. The project site must be enrolled in the Illinois
16 Environmental Protection Agency's Site Remediation
17 Program, and the project must be approved by the
18 municipality and the county in which the site is located.
19 The taxpayer must demonstrate that the project will create
20 at least 10 new jobs, retain 25 jobs, or a combination
21 thereof.

22 "Eligible project costs" include, but are not limited
23 to, costs associated with site assessment and
24 investigation; soil, groundwater, and surface water
25 remediation; asbestos and lead-based paint surveys and
26 abatement; documentation and reporting necessary to meet

1 environmental regulations and obtain closure documentation
2 from the State.

3 "Qualified taxpayer" means a taxpayer that meets all of
4 the following criteria:

5 (1) the taxpayer is the owner of the site on which
6 the eligible project will occur;

7 (2) the taxpayer must be current on all taxes
8 imposed by the State at the time of the application and
9 must have no criminal record; and

10 (3) the taxpayer must not be the party responsible
11 for the contamination.

12 (f) This Section is exempt from the provisions of Section
13 250.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."